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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,056	11/30/2000	Robert J. Donaghey	99-463C	4733

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VERIZON CORPORATE SERVICES GROUP INC.  
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EXAMINER
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NGUYEN, ALAN V

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/726,056

Applicant(s)

DONAGHEY, ROBERT J.

Examiner

Alan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 4, 5, 7, 8, 10, 11, 13, 15, 17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Duree et al (US 6,147,994) hereinafter Duree

Regarding **claims 1, 4, 7, and 10** Duree discloses a method, device, computer readable medium, and network (***“system and method”, column 2 lines 5 and 57; column 4, lines 58-64 discloses the use of a microprocessor and memory for the system to carry out the instructions of the system***) of distributing virtual circuit identifiers associated (***column 2, lines 47-50 discloses the invention facilitates the processing of virtual connections such as VPI/VCI***s) with gateways in a network

**(column 3, lines 28-31 discloses the invention can be used in various devices including ATM gateways), comprising:**

receiving, at a first node **(figure 26, elements 2610 and 2625; In this case the first node is comprised of the call connection manager 2610 and node 2625),** packets comprising a plurality of first virtual circuit identifiers associated with gateways in the network **(column 33, lines 62-64 and column 34, lines 2-8 discloses that node 2625 is an ATM device that receives ATM cells that comprises VPI/VCIs.);**

determine if any gateways are connected to the network device **(column 31, lines 42-44 discloses the use of a signaling link and/or a data link as a means of exchanging information).**

assigning second virtual circuit identifiers to connected gateways **(column 34, lines 15-18 discloses the CCM 2610 will select the VPI/VCI over connection 2625 of figure 26. The CCM is assigning the VCI for gateway 2605);** and

initiating the transmission of a message to the connected gateways informing the connected gateways of the plurality of first virtual circuit identifiers **(column 33, lines 53-56 discloses the CCM 2610 sends a control message to the gateway 2605 to modify the VPI/VCI of the incoming cells so they contain the VPI/VCI selected by the CCM).**

Regarding **claims 2, 5, 8, and 11** with the features of parent claims 1, 4, 7, and 10 addressed above, Duree discloses where the device further comprises initiating transmission of a packet to neighboring nodes informing the nodes of the assigned

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second virtual circuit identifiers and the plurality of first virtual circuit identifiers (**column 32, lines 59-61 discloses that after transmission of the message to the gateway, the CCM also generates another message to the next node requiring a call message**).

Regarding **claims 13, 15, 17, and 19** Duree discloses a method, device, computer readable medium, and system of forwarding packets received at a first gateway in a network (**column 32, lines 25-28 discloses a means to route an actual destination beyond the first gateway**), comprising:

receiving a message at the first gateway, the message comprising a plurality of virtual circuit identifiers associated with other gateways in the network (**column 33, lines 53-56 discloses the CCM 2610 sends a control message to the gateway 2605 to modify the VPI/VCI of the incoming cells so they contain the VPI/VCI selected by the CCM**);

receiving packets for transmission from the first gateway (**element 2605**) to a destination address (**column 14, lines 2-8 discloses The VPI/VCI combination would correspond to a unique virtual connection pre-provisioned from ATM interface 930 to the appropriate network destination**) associated with a second gateway (**element 2655**); and sending the received packets towards the second gateway using one of the received plurality of virtual circuit identifiers. (**column 34, lines 27-33 discloses that procedure could be repeated for multiple calls between different nodes. This includes calls from network 2650 to network 2600. The CCM,**

**gateway, and cross-connect work together to provide SVCs on a call-by-call basis).**

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 6, 9, 12, 14, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duree in view of Endo et al (US 6,275,494) hereinafter Endo.

Regarding **claims 3, 6, 9, 12, 14, 16, and 18** with the features of parent claims 1, 4, 7, 10, 13, 15, and 17 addressed above, Duree discloses where CCM has the capabilities to update its data (***“handling messages from network operations such as queries, configuration instructions, and data updates”, column 20, lines 51-55***).

Duree fails to expressly disclose where the device further comprises updating at least one virtual circuit table stored at the first node using the first virtual circuit identifiers.

Endo, however, discloses a packet switching system that where the control processor updates a virtual circuit table stored at the first node (***figure 1, element 9; column 16, lines 38-42 discloses the control processor has the capabilities to update the IP address/VPC mapping table 95 using the address mapping table and VPC management table 96***).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Duree's apparatus to allow the CCM to be able to update the virtual circuit table stored at the first node using the first virtual circuit identifiers, as taught by Endo. The motivation is a more accurate and updated system that decreases delays in packet switching, as disclosed by Endo on column 2, lines 30-34.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patent is cited to show the state of the art with respect to the use of routing and forwarding in packet networks:

US Patent (6,108,708) to Iwata

US Patent (6,683,865) to Garcia-Luna-Aceves et al

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Nguyen whose telephone number is 703-305-0369. The examiner can normally be reached on 9am-6pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 703-305-4798. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

AVN

February 6, 2004

A handwritten signature in black ink, appearing to read "Ricky Ngo", with a stylized flourish at the end.

RICKY NGO  
PRIMARY EXAMINER